



CALIFORNIA STATE PERSONNEL BOARD

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Regulations Governing Equal Employment Opportunity Goals

All new text intended for printing is indicated by underline. Posthearing changes to the text of these regulations have been typed with double underline and bold font indicating new additions and with strikeout and bold font indicating new deletions.

Title 2. ADMINISTRATION

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

Subchapter 1.7. Equal Employment Opportunity Goals

Article 1. Equal Employment Opportunity Goals for Minorities and Women

§ 547.80. Definitions.

For purposes of this Article:

(a) “Class” means a group of positions as defined in Government Code Section 18523.

(b) “Employment Goal” means a projected level of achievement in the percentage representation of minorities and women which takes into consideration their availability in the relevant labor force and the appointing authority’s ability to hire.

(c) “Minority Group” includes persons who are members of one of the following racial/ethnic groups: American Indian/Native American, Asian, Black/African American, Filipino, Hispanic, and Pacific Islander. These groups are defined as follows:

(1) “American Indian/Native American” means any person who is a member of an American Indian Tribe or band recognized by the Federal Bureau of Indian Affairs, or has at least one-quarter American Indian blood quantum of tribes or bands indigenous to the United States or Canada.

(2) “Asian” means any person whose origin is the Far East, Southeast Asian or the Indian subcontinent and includes, for example, China, Japan, and Korea.

(3) “Black/African American” means any person whose origin is any of the Black racial groups of Africa.

(4) “Filipino” means any person whose origin is the Philippine Islands.

(5) “Hispanic” means any person whose origin is Mexico, Puerto Rico, Cuba, Spain, or the Spanish-speaking countries of Central or South America. It does not include persons of Portuguese or Brazilian origin, or persons who acquired a Spanish surname;

(6) “Pacific Islander” means any person whose origin is in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(d) “Occupational Group” means a group of jobs or classes that includes the entry level, other working levels, and supervisory levels within the same general occupational field of work;

(e) “Relevant Labor Force” means the pool of individuals who possess the requisite qualifications for the job within the geographic area in which the agency can reasonably expect to recruit.

(f) “Statistically Significant” means the degree of underutilization is equal to or greater than the .05 level of significance using the ~~accepted methods of statistical analysis referred to by the U.S. Supreme Court in Hazelwood School District v. United States (1977), 433 U.S. 299, at 308, n 14~~ **one-tailed Z Test method of statistical analysis outlined in the Recommended Procedures For Establishing Equal Employment Opportunity Goals and Timetables, revised March 1999, by the State Personnel Board. Using this methodology, a computed Z value of 1.65 or greater is sufficient to conclude that any underutilization is statistically significant.**

~~(h)~~(g) “Timetable” means an estimate of the time required to meet specific employment goals.

~~(i)~~(h) “Underutilization” means having fewer persons of a particular group in an occupation or at a level in a department than would reasonably be expected by their availability in the relevant labor force.

~~(j)~~(i) “White” means any person whose origin is Caucasoid.

~~(k)~~(j) “Work Force” means incumbents in full-time and other-than-full-time positions in the state civil service employed by the appointing authority.

NOTE: Authority cited: Section 18701, Government Code.
Reference: Sections 11092.5, 18523, 19702.1, 19790 and 19791, Government Code; Title VII of the Civil Rights Act of 1964, 42 USC, Sections 2000e-2 et seq.; ~~Hazelwood School District v. United States (1977), 433 U.S. 299, at 308, n 14;~~ and “Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity,” *Federal Register*, October 30, 1997.

§547.81. Establishment of Annual Equal Employment Opportunity Goals for Minorities and Women.

Each appointing authority is responsible for annually establishing or modifying equal employment opportunity goals and timetables for civil service classes or occupational groups where statistically significant underutilization of minority group members or women exist. Annual employment goals shall be based on all of the following:

(a) A work force analysis that identifies the classes, occupational groups, relevant geographic recruitment area and state work force information as specified in the Work Force Analysis Section, and the referenced Appendices in that section, of the *Recommended Procedures For Establishing Equal Employment Opportunity Goals and Timetables* (Procedures), revised March 1999, by the State Personnel Board. This document is hereby incorporated by reference in its entirety.

(b) An availability analysis that identifies the options for measuring relevant labor force availability, evaluates the options for measuring the composition of the relevant labor force, and identifies the data for setting entry and promotional goals as specified in the Availability Analysis Section, and the referenced Appendices in that section, of the Procedures.

(c) A utilization analysis that compares the state work force representation with the relevant labor force as specified in the Utilization Analysis Section, and the referenced Appendices in that section, of the Procedures. If the representation of a minority group or of women is greater in the relevant labor force than in the state work force, there is an underutilization. An underutilization may be identified as a percentage and/or the nearest whole number of employees that would be required to eliminate the underutilization. Appointing authorities shall establish employment goals for any group that has a statistically significant underutilization.

(d) The appointing authority's expected number of employment opportunities in entry classes, within the appropriate relevant geographic area, during the year. In determining this, consideration shall be given to such factors as anticipated turnover, new positions to be established, budget reductions, layoffs, hiring freezes, and other hiring constraints.

(e) The availability of qualified candidates to fill expected job openings. In determining this, consideration shall be given to such factors as the size and composition of current eligible lists; anticipated new recruitment efforts; examinations scheduled; eligible lists established during the year; and transfer and reinstatement opportunities.

(f) The number of years, ~~up to a maximum of ten years,~~ that are anticipated to achieve any employment goal required in (c). ~~Goal timelines in excess of ten years shall be submitted with documentation justifying the extended timeframe.~~

NOTE: Authority cited: Section 18701, Government Code.

Reference: Sections 11092.5, 19702.1 and 19790, Government Code; Title VII of the Civil Rights Act of 1964, 42 USC, Sections 2000e-2 et seq.; *Wygant v. Jackson Board of Education*, 476 U.S. 267 (1986); *Johnson v. Santa Clara Transportation Agency*, 480 U.S. 616 (1987); and *Wards Cove Packing Co. v. Atonio*, 490 U.S. 642 (1989).